REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1 and 3-39 are pending. Claim 14 has been amended to fix a typographical error. Applicants submit that the amendment does not add new matter.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

Rejections Under 35 U.S.C. § 112

Claims 1 and 3-36 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully submit that the specification, as originally filed, provides support for the limitation of "calculating a latency-compensated auction time by adding the message travel time to a sponsor auction time at the auction processor." For instance, paragraph 80 of the specification, as originally filed, reads as follows:

> Referring again to FIG. 5, after the one-way latency time has been established, the auction processor will update auction time at the participant processor, taking into account the one-way latency time, at 206. Because the one-way latency time is the amount of time required to send a message to the participant processor from the auction processor, in a certain embodiment, the auction time sent to the participant processor may be calculated by adding the one-way latency time to the auction time at the time the auction time message is sent.

(Specification as originally filed, ¶80; U.S. Patent Application Publication No. 2002/0087546, ¶84).

Thus, applicants respectfully request the Examiner to withdraw the rejection of claims 1 and 3-36 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-16, 18, 20, 22, 24-31 and 33-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Massey, (USPN 5,384,563, "Massey") in view of Harrington, et al., (USPN 6,161,099, "Harrington"). Claims 17, 19, 21, 23 and 32 were rejected under 35 U.S.C. § 103(a) as

being unpatentable over Massey, in view of Harrington and further in view of Alaia, et al., (USPN 6,499,018, hereinafter "Alaia").

Claim 1, 3-25

In claim 1, applicants claim "calculating a latency-compensated auction time by adding the message travel time to the sponsor auction time." With respect to this limitation, the Examiner states:

> Massey discloses a computer-implemented method of time synchronization of a network comprising: ... calculating a latency-compensated auction time by adding the message travel time to the auction processor time (i.e., time messages are received and actually processed, see col. 2, lines 18-19)....

(Office Action dated 07/31/06, page 4, ¶4).

> Massey discloses the method and apparatus for time synchronization of Bus Type Local Area Networks including Hierarchical networks (see Massey abstract). More specifically, Massey discloses synchronizing the closing of a network auction by determining the difference between the time information to be transmitted (any message i.e., closing of a network auction etc) is queued and actually transmitted, and the difference between the time messages are received and actually processed, and using those differences to eliminate the effect of latency due to the protocols (see Massey the summary of the invention). Thus, since auction takes place on a network i.e., Local Area Network, Hierarchical network, or a combination of both, and since latency time equals to the time that it takes for a message to cross the network and arrive at the auction processor. The examiner asserts that Massey's teaching hereinabove constitute the applicant's claimed subject matter of computing a latency-compensated auction time by adding the message travel time to the sponsor auction time at the auction processor.

(Office Action dated 07/31/06, pages 18-19, ¶6).

In the portions cited by the Examiner, Massey reads as follows:

> It is still another object of the present invention to provide a method and apparatus for providing time synchronization of information transmitted between devices of a bus type network by determining the difference between the time the information to be transmitted (message) is queued and actually transmitted, and the difference between the time messages are received and actually processed, and using those differences to eliminate the effect of skews due to the protocols.

(Massey, col. 2, lines 12-20). Elsewhere, outside the cited portion, Massey discloses:

> The first network sends a first message to the second network, the first message being uniquely identified as a sync message. A first relative time is obtained within the first network of when the first message is transmitted. When the first network recognizes that the first message was sent, a second relative time is obtained to send a second message to the

> second network containing a real time of the first network that the first message was sent. The second network obtains a third relative time within the second network of when the first message is received. The real time of the first network contained in the second message is associated to the third relative time of the second network, thereby synchronizing the time of the second network to the time of the first network.

(Massey, col. 1, lines 53-67).

Thus, Massey discloses three different time calculations: (1) a first relative time, which is obtained within the first network when the first (sync) message is transmitted to the second network, (2) a second relative time, which is obtained within the first network to send a second message to the second network containing a real time of the first network when the first message was sent, and (3) a third relative time, which is obtained within the second network obtains when the first message is received. Massey discloses determining the difference between the time the message is queued and actually transmitted (i.e, the real time of the first network when the first message was sent), and the difference between the time messages are received and actually processed (i.e., the third relative time).

Thus, Massey discloses only that the real time of the first network when the first message is sent from the first network is correlated to the time messages are received and actually processed at the second network. Massey does not teach or suggest "calculating a latency-compensated auction time by adding the message travel time to the sponsor auction time," (emphasis added), as claimed.

Applicants respectfully submit that Harrington does not supply the missing limitations. Harrington discloses an electronic auction in which bids are submitted before the auction ends. Harrington is silent about and does not teach or suggest "calculating a latency-compensated auction time by adding the message travel time to the sponsor auction time," as claimed.

As neither Massey nor Harrington teach each and every limitation of claim 1, applicants respectfully submit that the combination does not render obvious claim 1 and associated dependent claims 3-25.

Claims 26-27

In claim 26, applicants claim "causing a time clock at a participant processor to be set to a latency-compensated auction time, the participant processor being coupled with an auction processor via a communications network, the latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor."

As discussed above, the combination of Massey and Harrington does not teach or suggest a latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor. Therefore, the combination does not render obvious claim 26 and associated dependent claim 27.

Claims 28-33

In claim 28, applicants claim "synchronizing a time clock at a participant processor with a time clock at an auction processor coupled to the participant processor via a communications network using a latency-compensated auction time, the latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor."

As discussed above, the combination of Massey and Harrington does not teach or suggest a latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor. Therefore, the combination does not render obvious claim 28 and associated dependent claims 29-33.

Claims 34-36

In claim 34, applicants claim "accepting a bid placed by the participant processor at the auction processor after a closing of an auction only if a message containing the bid is ordered prior to the end of bidding message, the predetermined end of the bidding time being determined based on

the latency-compensated auction time, the latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor."

As discussed above, the combination of Massey and Harrington does not teach or suggest a latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor. Therefore, the combination does not render obvious claim 34 and associated dependent claims 35-36.

Claims 37-39

In claim 37, applicants claim "calculate a latency-compensated auction time by adding the message travel time to an auction processor time."

As discussed above, the combination of Massey and Harrington does not teach or suggest a latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor. Therefore, the combination does not render obvious claim 37 and associated dependent claims 38-39.

Claims 17, 19, 21, 23

As discussed above, the combination of Massey and Harrington does not teach or suggest "calculating a latency-compensated auction time by adding the message travel time to the sponsor auction time," as claimed in independent claim 1. Applicants respectfully submit that Alaia does not supply the missing limitations.

Alaia discloses receiving a bid at an auction processor after the end of bidding time. Alaia does not teach or suggest calculating a latency-compensated auction time by adding the message travel time to the sponsor auction time, as claimed.

As none of Massey, Harrington, and Alaia teach or suggest each and every limitation of claim 1, applicants respectfully submit that the combination does not render obvious associated dependent claims 17, 19, 21, 23.

Claim 32

Claim 32 depends from independent claim 28, which claims that "the latency-compensated auction time computed by adding a message travel time from the participant processor to the auction processor to a sponsor auction time at the auction processor."

As discussed above in reference to the rejection of claims 17, 19, 21, 23, the combination of Massey, Harrington, and Alaia does not teach or suggest this limitation.

As none of Massey, Harrington, and Alaia teach or suggest each and every limitation of claim 28, applicants respectfully submit that the combination does not render obvious associated dependent claim 32.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicants hereby request such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

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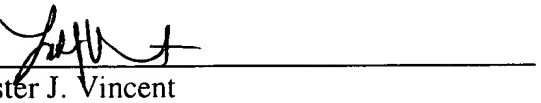

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